



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD, OLC

Introduction

This matter dealt with an application by the Tenant for the return of a security deposit and an Order that the Landlord comply with the Act.

At the beginning of the hearing the Tenant said he was under the mistaken belief that the Residential Tenancy Branch would be serving the Landlord with a copy of the Application and Notice of Hearing (the “hearing package”) on his behalf. However, section 59 of the Act requires an applicant to serve the other party with the hearing documents within 3 days of filing his application. As the Tenant has not served the Landlord with his hearing package, his application is dismissed with leave to reapply.

Conclusion

The Tenant’s application is dismissed with leave to reapply. This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 22, 2011.

Residential Tenancy Branch